

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

PETER J. MILLER, an individual,  
CLIFFORD HOYT, an individual, and  
CAMBRIDGE RESEARCH AND  
INSTRUMENTATION, INC.,  
a Delaware corporation,

Plaintiffs,

v.

PATRICK TREADO, an individual, and  
CHEMIMAGE CORP., a Delaware  
corporation,

Defendants.

Civil Action No. 05-10367-RWZ

**[ASSENTED-TO]**  
**COMBINED MOTION AND MEMORANDUM IN SUPPORT THEREOF**  
**TO IMPOUND PURSUANT TO LOCAL RULE 7.2**  
**EXHIBITS 1 AND 3 TO PLAINTIFFS' MEMORANDUM IN SUPPORT OF**  
**PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER**

Plaintiffs Cambridge Research and Instrumentation, Inc. ("CRI"), Peter J. Miller, and Clifford Hoyt, by their attorneys COHEN, PONTANI, LIEBERMAN & PAVANE, hereby move the Court under LR 7.2 and the Protective Order in this litigation to impound Exhibits 1 and 3 to PLAINTIFFS' MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER THAT THE DISCOVERY SOUGHT BY DEFENDANTS THROUGH DEPOSITION NOT BE HAD, OR, IN THE ALTERNATIVE, THAT SUCH DISCOVERY BE HAD THROUGH CONTENTION INTERROGATORIES, OR, IN THE ALTERNATIVE, THAT SUCH DISCOVERY BE APPROPRIATELY LIMITED IN SCOPE ("PLAINTIFFS' MEMO"), which was filed at [D.E. 93].

Because defendants have agreed to the relief requested herein, the granting of the requested relief is within the Court's discretion, and a full memorandum under LR 7.1(b)(1), including citation of supporting authorities, is not required.

In support, plaintiffs state as follows:

1. Plaintiffs have filed PLAINTIFFS' MEMO via ECF at [D.E. 93].
2. Exhibits 1 and 3 to PLAINTIFFS' MEMO [D.E. 93] have been designated "CONFIDENTIAL", and/or describe and/or characterize documents that have been so designated, in accordance with the Protective Order in the present case. Blanks were filed via ECF in place of Exhibits 1 and 3.
3. Thus, plaintiffs request, with defendants' assent, that the Court order the impoundment of the Exhibits 1 and 3 to PLAINTIFFS' MEMO [D.E. 93] pursuant to LR 7.2, which impoundment shall last until further order of the Court.
4. Pursuant to LR 7.1(a)(2), defendants have indicated their assent.
5. Pursuant to LR 7.2(a), plaintiffs suggest Exhibits 1 and 3 be returned to plaintiffs' custody after the period of impoundment.
6. Pursuant to instructions from the Clerk of the Court, copies of Exhibits 1 and 3 to PLAINTIFFS' MEMO [D.E. 93] will be filed with the Court upon entry of the instant motion to impound.

**WHEREFORE**, plaintiffs respectfully request, with defendants' assent, that the Court:

- A. Issue an order impounding:
  - Exhibits 1 and 3 to PLAINTIFFS' MEMO [D.E. 93].
- B. Grant such further and other relief as this Court deems just, equitable and proper.

Combined Motion/Memo to Impound under LR 7.2  
Exhibits 1 and 3 to  
Plaintiffs' Memo [D.E. 93] in Supp of Motion for Protective Order

Respectfully submitted,

**PETER J. MILLER, CLIFFORD HOYT, and  
CAMBRIDGE RESEARCH AND  
INSTRUMENTATION, INC.,**

By their attorneys:

Dated: December 22, 2006

/s/ Teodor Holmberg  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing Motion to Impound Pursuant to LR 7.2 filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on December 22, 2006.

/s/ Teodor Holmberg